

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

Claims 16 and 18 are currently being cancelled.

Claims 1-3, 11, 13-15, 17 and 32-35 are currently being amended.

No claims are currently being added.

This amendment cancels and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending and canceling the claims as set forth above, claims 1-3, 9, 11, 13-15, 17 and 19-35 are now pending in this application.

Request for Entry of After-Final Amendment and Reply:

It is respectfully requested that this after-final Amendment and Reply be considered and entered, since it is believed to place this application in condition for allowance, and at the very least it is believed to lessen the number of potential issues for appeal (by canceling some claims).

Claim Rejections – Prior Art:

In the Office Action, claims 1-3 and 11 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0197965 to Peng; claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Peng in view of U.S. Patent Publication No. 2002/0022499 to Newman; claims 15, 19, 26, 30, 32 and 34-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Peng in view of U.S. Patent No. 6,389,268 to Snyder; claims 13 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Peng in view of Newman and further in view of U.S. Patent No. 6,819,942 to Aotake et al.; and claims 16-18, 20-25, 27-29 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Peng in view of Snyder and further in view of Newman. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

With respect to the rejection made for claim 1, Peng merely discloses a case or a holder of a portable device. Though the case or holder protects a phone or magnifies letters on a display respectively, the case or holder does not change an operational state of a cellular phone to which they are attached. Please note that Snyder, which was cited against other claims under rejection, also merely discloses a case or a holder of a portable device.

Accordingly, presently pending independent claim 1 is patentable over the cited art of record.

Newman, which was cited against claims 13 and 14 in combination with other references, describes a display module 3 and a computer module 4 to be connected to a communication module 2. The shapes of the modules 3 and 4 of Newman do not correspond to the shape of a case or a holder. Accordingly, one of ordinary skill in the art would not be motivated to combine the teachings of Newman with those of either Peng and/or Snyder. Accordingly, it is submitted that the statements made in item 8) if the Office Action are based on hindsight reconstruction of the claimed invention, which is an improper basis for rejecting the presently pending claims.

Furthermore, the combination of these references, even if they could be combined (which Applicant believes cannot be done by one skilled in the art), does not teach the features of the claimed invention, in which an operational state of a cellular phone is set based on which attachment is attached to the cellular phone.

With respect to Aotake, which was cited in combination with other references with respect to claims 13 and 14, while it describes an attachment which changes a setting condition of a cellular phone, the attachment is not shaped anything like a case or a holder for the cellular phone.

Furthermore, claim 1 has been amended to recite a plurality of attachments, in which, based on which attachment is attached to the cellular phone, an operational state of the cellular phone is changed to a particular setting.

Such features are not disclosed, taught or suggested, by the cited art of record.

Accordingly, presently pending independent claim 1, as well as the claims which depend from claim 1, are patentable over the cited art of record.

With respect to presently pending independent claim 15, that claim has been amended to recite:

a function unit which performs a predetermined function; and

a control unit that controls the function unit and which changes an operational state of the cellular phone when the attachment is fitted over the first casing of the cellular phone.

Such features are not taught or suggested by the combined teachings of Peng and Snyder, and also are not taught or suggested by any of the other art of record cited against other claims in this application. Accordingly, presently pending independent claim 15, as well as the claims that depend from claim 15, are patentable over the cited art of record.

With respect to presently pending independent claim 32, that claim has been amended to recite that:

an operational state of cellular phone is automatically set to one of a plurality of possible operational states, based on which of said plurality of attachments is fitted over the first casing.

Such features are not taught or suggested by the combined teachings of Peng and Snyder, and also are not taught or suggested by any of the other art of record cited against other claims in this application. Accordingly, presently pending independent claim 32, as well as the claims that depend from claim 32, are patentable over the cited art of record.

Conclusion:

Since all of the issues raised in the final Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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